

REMARKS

In the Office Action,¹ the Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,113,441 to Harada (“Harada”) in view of U.S. Patent No. 5,671,008 to Linn (“Linn”).

Applicant amends claims 1-24. Claims 1-24 are pending in the application.

Applicant respectfully traverses the rejection of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Harada in view of Linn.

Amended independent claim 1 recites a video recording apparatus comprising, among other things,

controlling means for . . . inserting a null code . . . into a horizontal scan period within a vertical blanking interval of a frame in the video data stream when the video encoding means inserts a [duplicate frame] into the video data stream, while the video data stream is encoded, as a result of the difference between the first frame period and the second frame period.

Harada and Linn fail to teach or suggest at least the claimed controlling means.

Harada discloses “[a] method of scrambling a television signal and a method of and apparatus for descrambling a television signal.” Harada, Abstract. As correctly noted by the Examiner, however, Harada fails to teach or suggest the claimed controlling means. Office Action at 3.

Linn fails to remedy the deficiencies of Harada, at least because Linn also fails to teach or suggest the claimed controlling means.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Linn discloses a "telecine machine for rapidly converting images recorded on motion picture film to electronically available and manipulable video signals." Lin, Abstract. In Linn, "an output waveform generator 70 within the control circuit 60 is used to drive the flatbed editing table 12 In response . . . the flatbed editing table 12 transports the film 16." Linn, col. 16, ll. 2-3. "The encoder 20 transmits pulses to the control circuit 60 where they are used to determine and monitor the progress of the film 16 across the flatbed editing table. As a result of the encoder pulses, the strobe 22 is triggered, which in turn activates the video camera 24. . . . Upon receiving a sync pulse at the end of a video frame 30, the control circuit 60 compares the sync pulse times with the encoder pulse times to ensure that the two occur in an appropriately synchronous manner." Linn, col. 16, ll. 12-24. "[T]he control circuit 60 signals the output waveform generator 70 to alter its output waveform to the flatbed editing table 12 in order to compensate for the error or discrepancy." Linn, col. 16, ll. 26-28.

Thus, Linn is directed to synchronizing film and a video camera during the process of digitally recording the film. However, Linn is unconcerned with information contained in "a horizontal scan period within a vertical blanking interval of a frame in the video data stream," as recited by claim 1. Linn fails to teach or suggest at least "inserting a null code . . . into a horizontal scan period within a vertical blanking interval of a frame in the video data stream when the video encoding means inserts a [duplicate frame] into the video data stream, while the video data stream is encoded, as a result of the difference between the first frame period and the second frame period," as recited by amended independent claim 1.

Amended independent claims 7, 11, 17, and 21-24, though of different scope than claim 1, are allowable over Harada and Linn for at least similar reasons as those discussed above in connection with claim 1. Claims 2-6, 8-10, 12-16, and 18-20 depend from one of claims 7, 11, and 17, and are therefore allowable over Harada and Linn at least because of their dependence. Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103, and the allowance of claims 1-24.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 9, 2008

By:


Michael R. Kelly
Reg. No. 33,921